NOTIFICATION S99

No. L.D. 737—Legis. 3-51-18, dated Bangalore, 10th July 1951.

Ordered that the accompanying Displaced Persons (Temporary Relief from Indebtedness) Bill, 1951 (Central Bill No. 60 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 16th June 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bill was introduced in Parliament on the 9th June, 1951 :—

BILL NO. 60 OF 1951.

A Bill to make certain temporary provisions for the relief of displaced persons from indebtedness pending further legislation relating thereto.

BE it enacted by Parliament as follows :—

1. *Short title, extent and duration.*—(1) This Act may be called the Displaced Persons (Temporary Relief from Indebtedness) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall remain in force until the 31st day of March, 1952.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "debt" means any liability incurred before the 15th day of August, 1947, whether secured or unsecured or in cash or in kind, or payable presently or in future or under any decree or order of a civil or revenue court or otherwise, and includes any liability incurred after the said date, if the transaction out of which the subsequent liability is incurred is solely by way of renewal of any liability incurred before the said date, but does not include any liability the recovery of which is barred by limitation or which is otherwise irrecoverable under any law for the time being in force ;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, after the 1st day of March, 1947, left, or been displaced from, his place of residence in such area, and who has been subsequently residing in India, but does not include a banking company.

600

3. *Bar of fresh, and stay of pending, proceedings against displaced persons respecting debts*—(1) Notwithstanding anything contained in any other law for the time being in force, no civil or revenue court shall, during the period this Act remains in force, entertain any suit or other proceeding including any proceeding in execution of any decree or order of a civil or revenue court for the recovery of any debt against a displaced person.

(2) Every such suit or other proceeding pending immediately before the commencement of this Act before any civil or revenue court shall be stayed during the period this Act remains in force, and every attachment, injunction, order appointing receiver or other process made or issued in any such suit or other proceeding and subsisting immediately before such commencement shall cease to have effect.

Explanation.—For the purposes of this section, "proceeding" does not include an appeal or a review or revision against any decree or order of a civil or revenue court.

4. *Stay of insolvency proceedings.*—Notwithstanding anything contained in any other law for the time being in force, every proceeding under any law for the time being in force relating to insolvency pending against a displaced person in any civil court immediately before the commencement of this Act, whether on the application of a creditor or of a displaced person, shall be stayed during the period this Act remains in force.

5. *Instalment decrees.*—Where a decree passed in relation to a debt against a displaced person is payable by instalments and an instalment payable thereunder falls due during the period this Act remains in force, then, notwithstanding anything contained in such decree or any order relating thereto, the failure to pay such instalment shall not be deemed to be a default and any such instalment shall, in the absence of anything to the contrary contained in any other law for the time being in force, become payable within one month of the expiration of this Act.

6. *Release of displaced persons under detention in civil prisons.*—Notwithstanding anything contained in any other law for the time being in force, all displaced persons under detention at the commencement of this Act in any civil prison in execution of any decree or order of a civil or revenue court for the recovery of a debt shall be released.

7. *Computation of period of limitation.*—(1) In computing the period of limitation prescribed by the Indian Limitation Act, 1908 (IX of 1908), or any other law for the time being in force for the institution of a suit or other proceeding for the recovery of any debt in a civil or revenue court against a displaced person, the period during which this Act remains in force shall be excluded.

(2) In computing the period of twelve years prescribed by section 48 of the Code of Civil Procedure, 1908 (Act V of 1908), for the execution of any decree for the recovery of any such debt as is referred to in sub-section (1), the period during which this Act remains in force shall be excluded.

8. *Voluntary settlements not barred.*—Nothing contained in this Act shall be deemed to preclude any creditor from accepting payment under, or any adjustment in respect of, any debt voluntarily made by the displaced person.

STATEMENT OF OBJECTS AND REASONS.

Pending the preparation of a comprehensive Bill on the subject of relief to displaced persons in the matter of their pre-partition debts, the present Bill seeks to give temporary relief to such persons by barring fresh legal proceedings against them and staying pending proceedings. The clauses of the Bill are self-explanatory. The Bill, of course, does not prevent voluntary settlements between displaced persons and their creditors.

2. It is expected that the comprehensive Bill will be ready for introduction in Parliament during its next session.

AJIT PRASAD JAIN.

NEW DELHI;
The 7th June 1951.

M. N. KAUL,
Secretary.